

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE CATHODE RAY TUBE (CRT)) Case No. C-07-5944 SC
ANTITRUST LITIGATION) MDL No. 1917

_____) ORDER REQUESTING
This Document Relates To:) SUPPLEMENTAL BRIEFING

ALL DIRECT PURCHASER ACTIONS)

Sharp Electronics Corp. v. Hitachi)
Ltd., No. C-13-1173-SC)

Now before the Court is the Direct Purchaser Plaintiffs' ("DPPs") motion for final approval of class action settlements ("Proposed Settlements") with the Hitachi and SDI Defendants,¹ (collectively, "Settling Defendants"). ECF No. 2728 ("Mot."). The Court previously granted preliminary approval to the Proposed Settlements. ECF Nos. 2311 ("Hitachi Preliminary Approval Order");

¹ The SDI Defendants include Samsung SDI Co. Ltd. (f/k/a Samsung Display Devices Co., Ltd.), Samsung SDI America, Inc., Samsung SDI Brasil, Ltd., Tianjin Samsung SDI Co., Ltd., Samsung Shenzhen SDI Co., Ltd., SDI Malaysia Sdn. Bhd., and SDI Mexico S.A. de C.V. (collectively "SDI"). The DPP's proposed settlement with Hitachi includes Hitachi, Ltd., Hitachi Displays, Ltd. (n/k/a Japan Display Inc.), Hitachi America, Ltd., Hitachi Asia, Ltd., and Hitachi Electronic Devices (USA) Inc. (collectively, "Hitachi").

1 2534 ("Samsung SDI Preliminary Approval Order"). Additionally,
2 DPPs ask the Court to grant approval to a proposed claim form and
3 to direct the settlement administrator to provide notice to the
4 class. ECF No. 2728-7 ("Proposed Claim Form").

5 The Court held a fairness hearing at which DPPs, Hitachi, and
6 Sharp were heard. ECF No. 2757 ("Fairness Hr'g"). The Court also
7 received a belated objection to the settlement by Sharp, ECF No.
8 2751-2 ("Sharp Obj."), which is the subject of a motion seeking a
9 retroactive enlargement of the time to object to the settlement.
10 ECF No. 2751 ("Sharp Obj. Mot."). That motion is opposed. ECF
11 Nos. 2753 ("DPP Opp'n"); 2754 ("SDI Opp'n"); 2755 ("Hitachi Opp'n").

12 Now Sharp has filed an administrative motion asking "the Court
13 to set a conference to discuss case management issues" relating to
14 the instant motions. ECF No. 3127 ("Case Mgmt. Mot."). In Sharp's
15 motion, it argues that, among other things, the Court could order a
16 new notice be sent to class members providing a new opportunity to
17 opt out. Id. at 4. Sharp has offered to pay the reasonable costs
18 of such notice as well. Id.

19 The motion is not yet ripe, and the Court anticipates that the
20 interested parties may yet file responsive papers in the coming
21 days. Nonetheless, the Court writes now to solicit the parties'
22 views on the following specific issues related to Sharp's proposed
23 solutions:

- 24 • The Court is familiar with the requirement that on final
25 approval a class settlement must stand or fall in its
26 entirety. See Hanlon v. Chrysler Corp., 150 F.3d 1011,
27 1026 (9th Cir. 1998). May the Court nonetheless order a
28 second round of notice and opportunity to opt-out in the

1 exercise of its discretion under Federal Rule of Civil
2 Procedure 23(d) without addressing the merits of DPPs' and
3 the Settling Defendants' final approval motion?

- 4 • Similarly, the Court is aware that the costs of class
5 notice must generally be borne by the proponent of class
6 certification. See Eisen v. Carlisle & Jacquelin, 417 U.S.
7 156, 171 (1974). May the Court nonetheless order Sharp
8 bear the costs of a second class action notice?

9 Accordingly, the Court hereby orders as follows:

- 10 • Responses to Sharp's administrative motion addressing these
11 questions and any other relevant issues shall be no more
12 than five (5) pages and be filed within seven (7) days of
13 the signature date of this order.
- 14 • Sharp may file a responsive brief, if necessary, of no more
15 than five (5) pages within fourteen (14) days of the
16 signature date of this order.

17
18 IT IS SO ORDERED.

19
20 Dated: November 20, 2014


UNITED STATES DISTRICT JUDGE